

## Message Text

LIMITED OFFICIAL USE

PAGE 01 NEW DE 08837 021527Z

43

ACTION NEA-10

INFO OCT-01 ISO-00 H-02 CIAE-00 INR-07 NSAE-00 /020 W

----- 028857

R 021856Z JUL 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 9653

INFO AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

LIMITED OFFICIAL USE NEW DELHI 8837

REF: STATE 154536

1. YOUR PROPOSED RESPONSE ON EFFECT OF THE EMERGENCY ON PARLIAMENT IS ESSENTIALLY CORRECT. SINCE RAJYA SABHA IS A CONTINUING BODY, HOWEVER, PM MUST STILL OBTAIN CONSENT WITHIN TWO MONTHS OF AT LEAST THIS HOUSE EVEN IF PARLIAMENT IS DISSOLVED. ORDINANCES ISSUED UNDER THE EMERGENCY MUST RECEIVE PARLIAMENTARY APPROVAL WITHIN SIXTY DAYS UNLESS PARLIAMENT IS DISSOLVED. EXECUTIVE EVEN UNDER AN EMERGENCY IS LIMITED BY THE CONSTITUTION; I.E., IT CANNOT ENCROACH UPON THE JUDICIARY BEYOND THE SUSPENSION OF FUNDAMENTAL RIGHTS ALLOWED UNDER AN EMERGENCY. THUS, MRS. GANDHI CANNOT LEGALLY INTERFERE WITH THE SUPREME COURT'S HEARING OF HER CASE.

(COMMENT FYI: GIVEN THE LARGE CONGRESS MAJORITY IN BOTH HOUSES OF PARLIAMENT, THE REACTION AMONG CONGRESS MP'S AND THE REMOVAL OF OPPOSITION LEADERS IN PARLIAMENT, WE DO NOT AT THIS TIME FORESEE ANY PROBLEM FOR MRS. GANDHI IN ACQUIRING PARLIAMENT'S ACQUIESCENCE TO THE EMERGENCY. END COMMENT).

2. FIGURES ON ARRESTED MP'S: BELOW ARE FIGURES ON THE NUMBER, PARTY AFFILIATIONS OF ARRESTED MP'S IN PARLIAMENT, WHICH INCLUDES THE LOK SABHA (524 MEMBERS) AND THE RAJYA SABHA (243 MEMBERS). GIVEN THE STRICT CENSORSHIP IMPOSED, WE HAVE NO WAY OF GAUGING WHETHER THIS LIST IS COMPLETE. SUBRAMANIAM SWAMY'S ARREST, FOR EXAMPLE, HAS NOT BEEN CARRIED IN THE PRESS. ALL OF THE POLITICAL

LIMITED OFFICIAL USE

PAGE 02 NEW DE 08837 021527Z

CIANS ARRESTED, INCLUDING THE CONGRESS (R) MP'S, WERE ASSOCIATED

WITH J.P. NARAYAN'S MOVEMENT. THE CONGRESS (O), JANA SANGH, BHARTIYA LOK DAL (BLD) AND THE SOCIALIST PARTY, WERE THE LEADING PARTIES IN THE PRO-J.P. NARAYAN "PEOPLES (JANATA) FRONT."

NAME	PARTY
CHANDRA SHEKHAR	CONGRESS (R) 496 MEMBERS
RAM DHAN	" "
MAHAN DHARIA (PROBABLE)	" "
MORARJI DESAI	CONGRESS (O) 20
S.N. MISHRA	" "
L.K. ADVANI	JANA SANGH 31 MEMBERS
A.B. VAJPAYEE	" " "
MUKHTIYAR SINGH	" " "
SUBBRANIAM SWAMY	" " "
RAJ NARAIN	BHARTIYA LOK DAL 20 "
PILOO MODY	" " " "
M. LIMAYE (PROBABLE)	SOCIALIST PARTY 7 "
SAMAR BUHA	" " 7 "
A.K. GOPALAN (RUMORED)	COMMUNIST (MARXIST) 32 "
-----	
TOTAL: 14	
SAXBE	

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MARTIAL LAW, LAW, POLITICAL REPRESSION, CENTRAL LEGISLATURE  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 02 JUL 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** KelleyW0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975NEWDE08837  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750229-0697  
**From:** NEW DELHI  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750791/aaaaddy.tel  
**Line Count:** 84  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 STATE 154536  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** KelleyW0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 05 AUG 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <05 AUG 2003 by ElyME>; APPROVED <26 NOV 2003 by KelleyW0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** n/a  
**TAGS:** PINT, PGOV, IN  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006